



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature  
Second Regular Session

House: GE DP 13-0-0-0

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## **HCR2001: racial discrimination; public education**

**Sponsor: Representative Kaiser, LD 15**

**House Engrossed**

### **Overview**

Amends the Arizona Constitution, subject to voter approval, to prohibit preferential treatment or discrimination on the basis of race or ethnicity and the teaching of specified concepts in a public educational institution.

### **History**

Currently, a school district or charter school may not include in its program of instruction any courses that promote the overthrow of the United States government, promote resentment toward a race or class of people, are designed primarily for pupils of a particular ethnic group or advocate ethnic solidarity instead of the treatment of pupils as individuals. Statute provides that courses for Native American pupils that are required to comply with federal law, the grouping of students according to academic performance that may result in disparate impact by ethnicity, courses that include the history of any ethnic group and that are open to all students and courses that include the discussion of controversial aspects of history may not be restricted or prohibited ([A.R.S. § 15-112](#)).

School district governing boards are responsible for prescribing curricula that include the academic standards in at least the areas of reading, writing, mathematics, science and social studies for students in common school and high school grades (A.R.S. §§ [15-701](#), [15-701.01](#)).

### **Provisions**

1. Cites this Act as the *Stop Critical Race Theory and Racial Discrimination in Schools and Other Public Institutions Act*.
2. Contains a purpose statement.
3. States that any action related to preferential treatment that would otherwise be prohibited, including implementation of an affirmative action policy, and that is taken in accordance with federal requirements must be limited to advertising, communication or outreach efforts.
4. Prohibits the state from disadvantaging or treating differently any individual, on the basis of race or ethnicity, among any pool of applicants, employees, students or contract recipients when making a decision to hire, contract, promote or admit.
5. Stipulates that a public educational institution may not implement any disciplinary action or policy that treats an individual student or group of students differently based on race or ethnicity.
6. Asserts that access to facilities, services or grounds of any Arizona public educational institution may not be conditioned on the race or ethnicity of any individual or group.
7. Maintains that this state deems any requirements to practice racial discrimination to be inconsistent with the 14th Amendment of the U.S. Constitution and subject to established prohibitions.

8. Directs the Legislature to establish a penalty for any wilful violation of granting preferential treatment to or discriminating against any individual or group on the basis of specified traits.
9. Specifies that the prohibition on preferential treatment or discrimination applies to actions taken after the effective date of this Act or any amendment.
10. Adds that a religious or political test may not be required as a condition of admission or promotion within any public educational institution for an employee.
11. Prohibits an employee or governing board or governing body member of an Arizona public institution of elementary or secondary education, public university or community college from compelling or requiring any employee or student to endorse, affirm, adhere to, adopt or profess an idea contrary to the Arizona Constitution or the Civil Rights Act of 1964.
12. Outlines the ideas that an employee or student may not be compelled to participate in in a training or orientation.
13. Stipulates that an employee of a public institution of elementary or secondary education, a public university or a community college acting in the course of the employee's official duties may not use their position of authority to endorse or promote the outlined tenets including by using public facilities or resources to endorse these tenets.
14. Specifies that a teacher in a public institution of elementary or secondary education is not prevented from discussing and identifying historical ideologies, movements or instances of racial hatred or discrimination.
15. Authorizes an attorney acting on behalf of a public institution of elementary or secondary education, a public university or a community college to request a legal opinion of the Attorney General or county attorney as to whether a proposed use of state resources constitutes a violation.
16. Contains a severability clause.
17. Directs the Secretary of State to submit this proposition to the voters at the next general election.
18. Defines the following terms:
  - a) *Community college*;
  - b) *Political test*;
  - c) *Public educational institution*;
  - d) *Public institution of elementary or secondary education*; and
  - e) *Public university*.
19. Makes technical and conforming changes.

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note